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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jill MacDonald Boyce

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Robert D. Shedd

Thomson Licensing LLC

2 Independence Way

PRINCETON, NJ 08543-5312

EXAMINER

TEKLE, DANIEL T

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,956	<b>Applicant(s)</b> MACDONALD BOYCE ET AL.	
	<b>Examiner</b> DANIEL TEKLE	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claim 1-6 and 18-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 and 18-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Arsenault et al. (US 6,701,528)

**Regarding Claim 1:** Arsenault et al. discloses a method for providing video on demand playback, comprising: receiving at a VoD player a plurality of program segments **(column 1 line 63 to column 2 line 7)**, each corresponding to a fractional part of an entire program **(column 2 lines 7-21)**; receiving at VoD player a key table containing packet count information corresponding to the number of data packets contained in at least one of program segments **(column 2 lines 7-21)**; and identifying an end point of at least one of said plurality of program segments by counting a number of data packets that are decoded for playback **(column 2 lines 7-21)**.

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**Regarding Claim 2:** Arsenault et al. discloses a method according to claim 1 further comprising the step of counting a number of data packets relative to the beginning of a program segment **(column 2 lines 7-21)**

**Regarding Claim 3:** Arsenault et al. discloses a method according to claim 1 further comprising the step of associating at least one program segment with a unique program identifier (PID) based on information contained in key table **(column 2 lines 7-21)**.

**Regarding Claim 4:** Arsenault et al. discloses a method according to claim 1 further comprising the step of receiving and recording at said VoD player at least part of one of said plurality of program segments during the playback by said VoD player of a previous one of said plurality of program segments **(column 2 lines 7-41)**.

**Regarding Claim 5:** Arsenault et al. discloses the method according to claim 1, further comprising the step of beginning a playback of at least one of plurality of program segments responsive to a determination that a preceding one of plurality of segments in program is approaching end point **(column 2 lines 7-41)**.

**Regarding Claim 6:** Arsenault et al. discloses a method according to claim 1 further comprising the step of receiving at said VoD player a segment packet count data for one or more of said plurality of program segments, said SPC data identifying a position within a program segment of a received packet containing program segment data **(column 2 lines 7-41)**.

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**Regarding Claim 7:** Arsenault et al. discloses a method according to claim 6, further comprising the SPC data is private data in the adaptation field of the MPEG-2 transport (column 2 lines 22-41).

**Regarding Claim 8:** Arsenault et al. discloses a method according to claim 6 further comprising the step of monitoring said SPC field of data packets received at said VoD player (column 2 lines 22-41).

**Regarding Claim 9:** Arsenault et al. discloses a method according to claim 8 further comprising the step of comparing said SPC field data to a number of data packets contained in at least one of said plurality of program segments to identify the occurrence of missing packets (column 2 lines 7-21).

**Regarding Claim 10:** Arsenault et al. discloses a method according to claim 8 further comprising the step of discarding packets received by said VoD player that have SPC field data values corresponding to packets that have already been stored by said VoD player (column 2 lines 22-67).

**Regarding Claim 11:** Arsenault et al. discloses a method according to claim 8 further comprising the step of counting a number of data packets received by said VoD player for at least one of said plurality of program segments (column 2 lines 7-21).

**Regarding Claim 12:** Arsenault et al. discloses a method according to claim 11 further comprising the step of determining that a segment has been completely received when a total number of packets received for a segment is equal to a total number of packets

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for segment as identified by said SPC data in said key table (**column 2 line 53 to column 3 line12**).

**Regarding Claim 13:** Arsenault et al. discloses a method according to claim 12 further comprising the step of determining an end of a segment based upon a discontinuity in at least one of a system clock reference field and a presentation time stamp field (**column 7 lines 50-60 and column 8 lines 7-11**).

**Regarding Claim 14:** Arsenault et al. discloses a method for providing video on demand playback, comprising: defining a plurality of program segments, each corresponding to a fractional part of an entire program (**column 2 lines 7-21**); transmitting at least two of said plurality of program segments concurrently, with each program segment separately identifiable based upon a unique packet identifier (**column 2 lines 41-51**); and broadcasting one or more earlier ones of said plurality of segments, that chronologically are intended to precede later segments in program, more frequently than later segments (**column 2 lines 22-41**).

**Regarding Claim 15:** Arsenault et al. discloses a method according to claim 14 further comprising the step of broadcasting with at least one of said plurality of program segments a key table containing packet count information corresponding to the number of data packets contained in at least one of said program segments (**column 2 lines 7-21**).

**Regarding Claim 16:** Arsenault et al. discloses a video on demand player comprising: demultiplexor means for demultiplexing a plurality of multiplexed program segments,

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each having a unique packet identifier and each corresponding to a fractional part of an entire program (**column 8 lines 52-67**); storage means for concurrently storing two or more of said plurality of program segments during a predetermined time period (**column 2 lines 7-21**) and means for receiving and storing a key table containing packet count information corresponding to a number of data packets contained in at least one of program segments (column 2 lines 7-21).

**Regarding Claim 18:** Arsenault et al. discloses a VoD player according to claim 1 further comprising means for identifying at least one of a beginning and an end of one or more of plurality of program segments using said packet count information (**column 2 lines 7-21**).

**Regarding Claim 19:** Arsenault et al. discloses a VoD player according to claim 1 further comprising means for determining, based on said packet count information, when a complete set of program segment data packets has been received (**column 2 lines 22-41**).

**Regarding Claim 20:** Arsenault et al. discloses a VoD player according to claim 1 further comprising means for determining a playback order of said plurality of program segments based on said packet count information (**column 2 lines 7-21**).

**Regarding Claim 21:** Arsenault et al. discloses a VoD player according to claim 20 further comprising means for playing back in order and without interruption a first and all subsequent ones of plurality of program segments (**column 2 lines 22-41**).

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**Regarding Claim 22:** Arsenault et al. discloses a VoD player according to claim 1 further comprising means for receiving and storing at least a first program segment corresponding to a beginning portion of said entire program on at least one of a different transponder channel and at a different time as compared to a remainder of said program segments **(column 2 lines 22-41)**.

**Regarding Claim 23-24:** Claim 23-24 are reject for same subject matter as claims 14-15 respectively.

**Regarding Claim 25:** Arsenault et al. discloses a VoD server according to claim 23 further comprising means for transmitting a segment packet count data for one or more of said plurality of program segments, said SPC data identifying a position within a program segment of a transmitted packet containing program segment data **(column 2 lines 7-41)**.

**Regarding Claim 26:** Claim 27 is reject for same subject matter as claim 7.

**Regarding Claim 27:** Claim 27 is reject for same subject matter as claim 22.

**Regarding Claim 25:** Arsenault et al. discloses a method according to claim 1, wherein the end point is identified when a count of a number of data packets that are decoded for playback and that correspond to the at least one of said plurality of programs equals the packet count information for the at least one of said program segments **(column 2 line 53 to column 3 line 12)**.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/  
Examiner, Art Unit 2621